

**SECRET**

OGC Has Reviewed

57D

31 December 1948

Assistant General Counsel

Travel for Leave Purposes Under Section 7, Public Law 600

1. Reference is made to your memorandum, dated 14 December 1948, in connection with the above subject. You cited Comptroller General's Decision No. E-79806 and requested answers to certain specific questions, as follows:

- (a) Can travel to home in U.S. for leave be paid for employee and dependents at end of contractual period, if period is less than 24 month period prescribed by the Director as essential to granting "home leave", without specific waiver from the Director, CIA?
- (b) If so, would travel expenses be paid in accordance with Public Law 600 and Standardized Government Travel Regulations or Foreign Service Travel Regulations, for our "Designee" personnel?
- (c) Does Comptroller General's Decision No. E-79806 allow employee's to place claims for travel expenses, previously incurred on TDY orders from field stations to Washington, if the employee were actually eligible for leave at home under Section 7 of Public Law 600?

2. In essence, E-79806 ruled that where an employee had fulfilled the requirements of his contract pursuant to Section 7, Public Law 600, it was immaterial whether he was returned for the purpose of leave or for the purpose of being separated from the service. Section 7, Public Law 600, requires a term of government service of one year's duration from the date of appointment. It was held in 27 Comp. Gen. 70 that the twelve months' period prescribed by that section may be considered as a minimum. Consequently, it is within the discretion of the various agencies to prescribe such longer periods as may be appropriate with respect to payment of travel and transportation expenses either going to or returning from a foreign duty post.

3. Under present authorizations, all employees of OSO and OPS assigned to permanent posts of duty abroad are entitled to travel expenses in accordance with Foreign Service Rules and Regulations. Many of these employees were sent out under Section 7, Public Law 600, or other statutes. It is understood that contracts for periods of overseas service were signed by employees for various periods of time. If the contract period is in excess of one year from the date of appointment, and, assuming that the contract was duly authorized, there exists

Travel Expenses - Procedures and  
Regulations

**SECRET**

**SECRET**

an obligation on the part of the United States Government to return such employee at the termination of the period prescribed in his contract. As stated in D-79806, it is immaterial whether that return is for leave or for separation, and the extension of Foreign Service Regulations to such employees can not operate to extinguish this contractual right. Therefore, your question (a) is answered in the affirmative.

4. Your question (b) asks if such travel expenses would be paid in accordance with Standardized Government Travel Regulations or Foreign Service Regulations for "Designee" personnel. Designees have been authorized to receive travel expenses in accordance with Foreign Service Regulations. Of course, each specific travel order must authorize per diem. Travel expenses would be received by the employee and his dependents if the employee is being returned upon completion of his prescribed time, either for assignment in Washington or for separation, and there would be no doubt that competent travel authority could approve travel expenses for that employee in accordance with Foreign Service Rules and Regulations. Since the purpose for returning, i.e., leave, separation, or reassignment, has been held immaterial, it is the opinion of this office that once the obligation for travel at government expense is clear, Foreign Service Regulations could be applied regardless of the reason for the travel. The answer to your question (b) is answered accordingly.

5. In your question (c), you inquire whether travel previously incurred pursuant to TDY orders may be changed so as to permit an employee to claim travel expenses, if he were eligible for leave, to and from his place of residence. If an employee were ordered to the United States for temporary duty for reorientation and training, it was customary to permit the employee to take leave at his own expense. His temporary duty was performed in Washington, and he was placed on leave at Washington, and travel to any other place was a personal matter for the employee. Each travel order of this type was considered by the appropriate person at the time of its issuance, and it must be assumed that the intent was clear at the time competent travel authority signed the order. To say now, that such an employee was brought to the United States for the purpose of taking leave would be to deny the record. Consequently, in the absence of unusual circumstances indicating administrative errors, there appears to be no authority at this time to recognize an employee's claim for travel expenses based on the assumption that his TDY orders were actually home leave orders. We believe that your question (c) is answered by the above.

25X1

cc: GFC -  
ADEO  
CAS  
CPD

25X1

25X1

25X1

General Counsel: [ ] mes

**SECRET**